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ACTION MEMORANDUM
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S/S 7/12

TO: The Secretary
THROUGH: D - Mr. Talbott
FROM: AF - Edward Brynn, Acting
SUBJECT: Nonrecognition of Rwandan Interim Government

ISSUE FOR DECISION

-Whether to formally announce that we recognize no government in Rwanda and no longer treat the Interim Government of Rwanda (IGOR) as the Government of Rwanda, or, alternatively, whether to take specific steps short of nonrecognition.

ESSENTIAL FACTORS

In the constitutional vacuum following President Habyarimana's death on April 6, Hutu hardliners in the military set up an interim government (the IGOR) of like-minded politicians. Over the past three months, the Tutsi-dominated rebel RPF has steadily pushed back government forces, which now hold only about one-third of the country's territory. The IGOR had to flee the capital, and subsequently abandoned its temporary seat in Gitarama to take up residence in Gisenyi, in the northwest corner of Rwanda near the Zaire border. The RPF has just taken control of the capital of Kigali and Butare, the country's second largest city. They have reportedly announced their intention to declare a government of national unity in the next few days.

The anarchy prevalent in the IGOR-zone indicates that the IGOR has only limited control over the little territory it purports to hold. The vast majority of the killings in Rwanda have occurred in the IGOR zone, with horrific massacres of Tutsis and Hutu moderates having occurred regularly in the early weeks of the crisis. The IGOR has made no attempt to stop these killings, which are being perpetrated by IGOR.

UNCLASSIFIED

CONFIDENTIAL

- 2 -

supporters, and its leaders may well have helped plan or encourage the killings. The June 28 report of the UNHRC Special Rapporteur for Rwanda concluded that the IGOR bears responsibility for having supported the massacres and for refusing to take steps to prevent what the Special Rapporteur himself characterized as genocide. The temporary French-led humanitarian intervention is operating in the IGOR-zone. The RPF suspects that the French are using this operation to support the IGOR; however, the French stress their neutral, humanitarian role and say that they are now treating the IGOR on the same basis as the RPF -- as an armed faction.

Following Habyarimana's death, the USG deemphasized recognition issues. Although we never formally recognized the IGOR as the Government, we treated it as such as a practical matter.

Option 1: Nonrecognition

There is no legal obstacle to a USG determination that there is no longer a government in Rwanda. As a legal matter, we would base our declaration of nonrecognition on the IGOR's lack of control over shrinking territory, rather than on any objectionable policies the IGOR may have supported or abhorrent activities it may have allowed (ethnic massacres, in particular). However, the action of stated nonrecognition will clearly be interpreted as a political statement against the IGOR.

To maximize the effect, we would publicly declare that no government exists and would call for all Rwandan political parties to meet and begin talks on installing the broad-based transition government provided for in the Arusha accord. We have consulted with the French and Belgians and they have no objection to our announcing a policy of nonrecognition. Our French contact did not believe such a decision would have any adverse effect on the French operation. Following our announcement, we would close the Rwandan Embassy in Washington and members of its staff would no longer have diplomatic status. The situation of such staff, vis-a-vis their continued presence in the U.S., would have to be addressed.

Advantages to Nonrecognition

- o Makes a forceful political and moral statement of our disapproval of the IGOR, which has, in one way or another, been implicated in the mass killings of Tutsis and opposition Hutus.

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- 3 -

- o Will be perceived as holding the IGOR responsible for atrocities it allowed to occur.
- o Serves as a deterrent to other regimes that might consider allowing or supporting mass killings to maintain power.
- o Weakens the claim of IGOR members to be seated at any future peace talks as "the government".
- o Offsets the perception of a pro-IGOR tilt that U.S. support for the French intervention has fostered in some quarters.
- o Increases our leverage with the RPF, which will hail the decision, and may make them more amenable to agreeing to a cease-fire.
- o Has strong domestic support on the Hill and in the human rights and NGO communities, which have repeatedly called for this action.
- o Would deny IGOR officials access to funds of the Rwandan government in the U.S., thus limiting their ability to make further arms purchases and sustain the war effort.
- o Strengthens the status of moderate Hutus, including Faustin Twagiramungu, who is to be Prime Minister of the broad-based transition government under the Arusha accords.
- o Puts us in a better position to challenge IGOR representation at the UN, if we choose to do so. Rwanda is a member of the Security Council and is scheduled to assume the Presidency in September.

Disadvantages to Nonrecognition

- o Would make the IGOR resistant to dialogue and make it harder to bring any acceptable members into a political settlement.
- o Could endanger any Americans working behind IGOR lines as part of the relief effort. We know of only three Americans in Rwanda, none of whom is now behind IGOR lines, although others may pass through the IGOR zone as part of temporary relief convoys.
- o Could increase the risk to troops participating in UNAMIR or the French-led operation, given the close association in many locals eyes between the U.S., the UN, and France.
- o Presents legal and political issues, including: 1) the status of U.S. officials who travel to Rwanda as there

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- 4 -

would exist no recognized government to whom we could accredit such personnel; 2) the status of the Rwandan embassy and Rwandan Government bank accounts; and 3) complications in seeking consent for activities inside Rwandan territory as there would exist no recognized government to give such consent.

Option 2: Steps Against the Government Short of Nonrecognition

Alternatively, the USG might take several discreet steps intended to convey our displeasure with the IGOR, short of declaring no government exists in Rwanda. We have already refused to receive high level visits to Washington by IGOR officials. Among possible other steps are:

- o Ordering a reduction in Rwandan Embassy personnel or declaring some or all persona non grata.
- o Closing the Rwandan Embassy in Washington.
- o Freezing assets belonging to the Rwandan government. This would require overcoming serious legal obstacles.
- o Denying visas to members of the IGOR who wish to travel to the United States on official bilateral business.

Advantages

- o Would send a clear signal to the IGOR of our displeasure with their regime.
- o Would allow us to maintain some dialogue with the IGOR and their supporters.
- o Would be less likely to turn the U.S. into the enemy in the eyes of IGOR supporters, thus decreasing the risk of endangering Americans or UN, French, or other Western personnel.
- o Could hinder the IGOR's ability to purchase more arms or sustain the war effort.

Disadvantages

- o Piecemeal efforts may go unnoticed by those other than the IGOR to whom we are trying to send a message: the RPF, Rwandans generally, the international community, the domestic audience.

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-5-

RECOMMENDATION

Weighing the advantages and disadvantages, we recommend that the USG choose option 1 and declare that no government exists in Rwanda. We would consult with the UN and others prior to announcing the decision.

Approved ☒

7/14/98
W.C.

Disapproved in Favor of Option 2 _____

Disapproved. No change in policy necessary _____

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